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13 Attorneys for Defendants  
14 UBER TECHNOLOGIES, INC.  
and OTTOMOTTO LLC

15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA  
17 SAN FRANCISCO DIVISION

18 WAYMO LLC,

Case No. 3:17-cv-00939-WHA

19 Plaintiff,

**DEFENDANTS UBER TECHNOLOGIES,  
INC. AND OTTOMOTTO LLC'S PARTIAL  
OPPOSITION TO PLAINTIFF'S MOTION  
TO MODIFY THE COURT'S  
MAY 19 ORDER (DKT. 471)**

20 v.

Judge: The Honorable William Alsup

21 UBER TECHNOLOGIES, INC.,  
OTTOMOTTO LLC;  
22 OTTO TRUCKING LLC,

Trial Date: October 2, 2017

23 Defendants.

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1           Defendants Uber Technologies, Inc. and Ottomotto LLC (collectively, “Uber”) do not  
 2 oppose reinstatement of the May 31 deadline for Uber to comply with Item #2 of the Court’s  
 3 Preliminary Injunction Order (Dkt. 433 at 23) with respect to “all other officers, directors,  
 4 employees, and agents of defendants” apart from Anthony Levandowski and Stroz Friedberg.  
 5 The Court’s extended deadline of June 23 should be retained for Uber’s compliance with Item #2  
 6 relating to Mr. Levandowski and Stroz Friedberg.

7           ***With respect to Mr. Levandowski:*** Waymo does not challenge the extended June 23  
 8 deadline for portions of Item #2 “addressing Defendants’ potential discipline of  
 9 Mr. Levandowski.” (Dkt. 485 at 2-3.) Mr. Levandowski has moved to intervene to seek  
 10 modification of the Court’s Preliminary Injunction Order on the basis of his asserted Fifth  
 11 Amendment privilege. (Dkt. 466.) Waymo argues that Mr. Levandowski’s motion pertains only  
 12 to subsection (b) of Item #2 (concerning the return of downloaded materials) and not to  
 13 subsection (a) (concerning the prevention of use of downloaded materials). (Dkt. 485 at 1-2.) In  
 14 fact, Mr. Levandowski’s motion addresses the entirety of Item #2, as it asks the Court to  
 15 withdraw the complete preamble of Item #2 as it pertains to Mr. Levandowski. (Dkt. 466 at 9.)  
 16 Further, Waymo concedes that the deadline is properly extended as to “subsection (b) addressing  
 17 Defendants’ potential discipline of Mr. Levandowski should he fail to provide relevant materials  
 18 and information.” (Dkt. 452 at 2-3.) Accordingly, the Court’s extended deadline of June 23  
 19 should continue to apply to all of Item #2 as it pertains to Mr. Levandowski, to “permit full  
 20 briefing and hearing on Levandowski’s motion.” (Dkt. 471.)

21           ***With respect to Stroz Friedberg:*** Waymo contends that the May 31 compliance deadline  
 22 should be reinstated for Item #2 as it pertains to Stroz and the Stroz Due Diligence Report.  
 23 However, as Waymo knows, Uber has asserted attorney-client privilege and work product  
 24 protection over the Stroz Due Diligence Report and its exhibits, and Waymo’s motion to compel  
 25 production of that report is scheduled for hearing in front of Magistrate Judge Corley on  
 26 May 25, 2017. Mr. Levandowski has also intervened to assert privilege protection over the Stroz  
 27 Due Diligence Report and exhibits. (Dkt. 371, 379.) The extended compliance deadline of  
 28 June 23 should be retained for Item #2 as it pertains to Stroz to allow time for the Magistrate

1 Judge to rule on Waymo's motion to compel and for any subsequent appeal to the district court or  
2 Federal Circuit.

3 Dated: May 23, 2017

MORRISON & FOERSTER LLP

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By: /s/ Arturo J. González  
ARTURO J. GONZÁLEZ

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Attorneys for Defendants  
UBER TECHNOLOGIES, INC.  
and OTTOMOTTO LLC

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